

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1559

Chapter 160, Laws of 2012

62nd Legislature
2012 Regular Session

DESIGN PROFESSIONALS--INDEMNIFICATION AGREEMENTS

EFFECTIVE DATE: 06/07/12

Passed by the House March 5, 2012
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 28, 2012
Yeas 45 Nays 1

BRAD OWEN

President of the Senate

Approved March 29, 2012, 6:14 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1559** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 29, 2012

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1559

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By House Judiciary (originally sponsored by Representatives Haigh, Dammeier, and Goodman)

READ FIRST TIME 01/25/12.

1 AN ACT Relating to indemnification agreements involving design
2 professionals; and amending RCW 4.24.115.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.24.115 and 2011 c 336 s 95 are each amended to read
5 as follows:

6 (1) A covenant, promise, agreement, or understanding in, or in
7 connection with or collateral to, a contract or agreement relative to
8 the construction, alteration, repair, addition to, subtraction from,
9 improvement to, or maintenance of, any building, highway, road,
10 railroad, excavation, or other structure, project, development, or
11 improvement attached to real estate, including moving and demolition in
12 connection therewith, a contract or agreement for architectural,
13 landscape architectural, engineering, or land surveying services, or a
14 motor carrier transportation contract, purporting to indemnify,
15 including the duty and cost to defend, against liability for damages
16 arising out of such services or out of bodily injury to persons or
17 damage to property:

18 (a) Caused by or resulting from the sole negligence of the

1 indemnatee, his or her agents or employees is against public policy and
2 is void and unenforceable;

3 (b) Caused by or resulting from the concurrent negligence of (i)
4 the indemnatee or the indemnatee's agents or employees, and (ii) the
5 indemnitor or the indemnitor's agents or employees, is valid and
6 enforceable only to the extent of the indemnitor's negligence and only
7 if the agreement specifically and expressly provides therefor, and may
8 waive the indemnitor's immunity under industrial insurance, Title 51
9 RCW, only if the agreement specifically and expressly provides therefor
10 and the waiver was mutually negotiated by the parties. This subsection
11 applies to agreements entered into after June 11, 1986.

12 (2) As used in this section, a "motor carrier transportation
13 contract" means a contract, agreement, or understanding covering: (a)
14 The transportation of property for compensation or hire by the motor
15 carrier; (b) entrance on property by the motor carrier for the purpose
16 of loading, unloading, or transporting property for compensation or
17 hire; or (c) a service incidental to activity described in (a) or (b)
18 of this subsection, including, but not limited to, storage of property,
19 moving equipment or trailers, loading or unloading, or monitoring
20 loading or unloading. "Motor carrier transportation contract" shall
21 not include agreements providing for the interchange, use, or
22 possession of intermodal chassis, containers, or other intermodal
23 equipment.

Passed by the House March 5, 2012.

Passed by the Senate February 28, 2012.

Approved by the Governor March 29, 2012.

Filed in Office of Secretary of State March 29, 2012.